


**MEMORANDUM**

107.07-17A

TO: Diane O'Quinn Williams
Director
Planning and Zoning Department

DATE: December 15, 2005

SUBJECT:

FROM: 
Bruce Drum
Interim Deputy Director
Aviation Department

#05-274 (DIC)
Century Business Park

As requested by the Miami-Dade County Planning and Zoning Department, the Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) zoning application #05-274 (Century Business Park, LLC) requesting a special exception to permit residential uses consisting of 508 units in the BU-1A district and a variance to permit new residential construction in the Inner District (ILZ) and to permit more than two (2) units per acre in the Outer Safety Zone (OSZ) as referenced in the Land Use Zoning Ordinance (#99-118) for Kendall-Tamiami Executive Airport (TMB). The subject property is 67.8 acres and is located in the northeast corner of SW 157 Avenue and SW 120 Street.

Please be advised that MDAD has reviewed the application for both land use and airspace restrictions.

Land Use Review:

MDAD has some concerns regarding the location of the site and its proximity to TMB Runways 9L/27R and 12/30 for the following reasons:

- The proposed site is approximately 0.14 miles from the end of TMB Runway 9L/27R.
- The total number of operations for the year 2004 at TMB was approximately 194,441.
- The altitude of aircraft when traversing the proposed site is as low as 148 feet for arrivals and 364 feet for departures.
- The majority of the parcel falls inside the Inner District (ILZ) as depicted in the Land Use Zoning Ordinance for TMB. According to the Ordinance, new residential construction and educational facilities, excluding aviation, are not permitted within this land use classification.
- It should be noted that residential areas that surround our County operated airports are very noise sensitive. Aircraft noise complaints from TMB have not increased in the past few years. One contributing factor to this is the buffer of compatible non-residential land that exists around portions of the airport. To allow encroachment of residential areas into these areas will certainly increase the noise problem and work against our efforts to reduce aircraft noise impacts in residential areas.

For these reasons and as stated in the Land Use Zoning Ordinance for TMB, MDAD does not recommend residential development at this location.

Diane O'Quinn Williams
December 15, 2005
Page Two

Airspace Review:

MDAD has reviewed the request of October 18, 2005 for a height analysis for Century Business Park - DIC Case Z2005000274. Our review finds that a proposed 54 ft Above Ground Level (AGL) structure, assumed 65 ft AMSL (Above Mean Sea Level) at the referenced location on the Northeast corner of SW 124th Street and SW 137th Avenue) conforms to the Miami-Dade County Height Zoning Ordinance.

Please note, however, that the application indicates the placement of poles on top of the structure, as an architectural detail. These poles may not conform to County Ordinance. The pole heights were not included in our analysis due to lack of information provided in the submittal (i.e., elevation at top of poles and pole locations). The Aviation Planning Division recommends that the applicant remove the poles from the proposal or re-submit with sufficient information so that we may analyze them and issue a determination as to the impacts to airport operations.

Notwithstanding the above, Aviation Planning Division would not object to a proposed structure height that conforms to the Miami-Dade County Height Zoning Ordinance as long as:

- 1) FAA determines that the construction of a building at the above mentioned height will not diminish or affect the safety, efficiency or capacity of Kendall-Tamiami Executive Airport in any way; and
- 2) FAA issues a "Determination of No Hazard" for this project and location; and
- 2) An interested party does not file a "petition for review" to FAA's aeronautical study that has yet to be completed for this project and location.

This height determination is an estimate issued on a preliminary or advisory basis. Before proceeding with design, any proposed construction at this location exceeding 30 ft will be required to file with the FAA by using form 7460-1 'Notice of Proposed Construction Alteration for Determination of Known Hazards'. In addition, any construction cranes for this project exceeding 30 feet must be filed by the construction contractor using the same form. Thus, for any structure or crane at this location exceeding 30 feet, FAA form 7460-1 must be filed.

The form is available through this office or through the FAA website: <http://forms.faa.gov/forms/faa7460-1.pdf>. This form should be mailed to:

Diane O'Quinn Williams

December 15, 2005

Page Three

Federal Aviation Administration
Air Traffic Airspace Branch - ASW-520
2601 Meacham Blvd, Ft. Worth, TX 76137-0520

Alternatively, you may "e-file" online at <https://oeaaa.faa.gov>.

For a more accurate determination, you may re-submit this information to us by providing latitude and longitude coordinates of the footprint of the proposed structure in "degrees, minutes, seconds" format using a NAD83 projection with an accuracy of three decimal places (for the 'seconds' number).

Please note that the airspace review process is governed by two different regulations: the Miami-Dade County Height Zoning Ordinances and Federal Regulation Title 14 Part 77. Neither MDAD nor any MDAD staff has the power or authority to enforce the County's zoning provisions or the FAA requirements. Pursuant to section 33-339, the County's Department of Planning & Zoning (P&Z) administers the County's height zoning provisions (Section 33-339) which states that "all applications for permits made to appropriate municipal Building and Zoning Departments or agencies for all construction...shall be approved by the [Miami-Dade Department of Planning and Zoning] Director and the Building Official or by their duly authorized representatives prior to issuance of the permit." The FAA has its own airspace evaluation requirements, as well as the right to permit or not permit construction of a facility or use of a crane based on the particular facts then presented before the FAA. Only P&Z or the applicable municipal building official can make the final determination as to whether the County's zoning requirements and height limitations are met, and only FAA can make the determination as to whether FAA building and height requirements are met.

This determination is based, in part, on the description provided to us by you, which includes specific building locations and heights. Any changes in building locations/layouts or heights will void this determination. Any future construction or alteration, including an increase to heights requires separate notice to the FAA and the Miami-Dade Aviation Department.

Should you have any questions regarding obtaining and/or filling out FAA form 7460-1 you may contact Mr. José A. Ramos, Chief of Aviation Planning at 305-876-8080.

Diane O'Quinn Williams
December 15, 2005
Page Four

Should you have any questions concerning the application, please contact me at (305) 876-7022.

BD/rb

C: Jeffrey Bunting, Manager, Aircraft Noise & Environmental Planning
Sunil Harman, Manager, Planning
José Ramos, Chief, Planning
Daryl Vreeland, Aviation Planner, Planning